

# ABSENCE FROM DWELLING POLICY



## Purpose

Social housing is a scarce resource and a valuable asset for those in need. Affordable Community Housing Limited (ACHL) maximises the benefit gained from this resource by making sure that properties are used as homes and not left vacant for long periods. This document outlines ACHL's policy on tenants being absent from their homes for more than six weeks.

## Acceptable tenant absence from their property

When ACHL provides a property for a client, they are expected to live in the property. ACHL will approve an absence from the property if it is satisfied that the tenant has an acceptable reason for being away. Acceptable reasons for absences of up to three months include:

- Caring for sick/frail family members
- Hospitalisation, institutional care, nursing home care or rehabilitation
- Escaping domestic violence, harassment or threats of violence
- Assisting with immigration matters in the country of origin
- Holidays
- Employment, education or training. ACHL will not approve repeat absences relating to holidays, assisting with immigration matters in the country of origin or employment/training.

## Obtaining approval for absences

The tenant must obtain written approval from ACHL to be away from their home for more than six weeks.

- ACHL may approve for a tenant to be absent from their dwelling in excess of six weeks and up to three months, under certain circumstances.
- A tenant may apply to extend the absence beyond three months where there are unusual circumstances, for example, medical conditions that require regular treatment at a location that cannot be accessed from the tenant's home.

- ACHL will not approve absences of more than twelve months in total, in any five-year period.
- The tenant must provide documentation to support their absence, for example, a passport, airline tickets showing the date of return, and a contact address for both the client and their agent.
- Approval is required even if other people will be staying in the home while the tenant is away.

## Absence without approval or in excess of agreed time limit

If a tenant is away without approval, or has stayed away for longer than the time approved, ACHL may decide to:

- charge market rent from the time the tenant's absence is discovered, or from the date the approval expired
- apply to the Consumer, Trader & Tenancy Tribunal (CTTT) to terminate the tenancy.

## Tenants who are incarcerated

- If a tenant is going into prison, they can apply to retain the tenancy for up to three months. However, if ACHL is reasonably satisfied the imprisonment will be in excess of three months, ACHL can ask the tenant to relinquish the tenancy immediately.
- If the reason for imprisonment is related to a breach of the tenancy agreement, ACHL will take action to terminate the tenancy. ACHL will consider each case on its merit.
- If the tenant has not been released from prison at the end of three months, ACHL will consider an application for succession of tenancy from a remaining household member, provided they meet all the requirements of the ACHL Policy on Succession of Tenancy.
- If an application for succession is not successful, ACHL may seek termination of the tenancy through the Consumer, Trader and Tenancy Tribunal (CTTT).

Absence from Dwelling Policy - Adopted 17th August 2010

Providing secure, affordable housing to those most in need.

Unit 6, 63-79 Parramatta Rd, Silverwater NSW 2128 Phone: 02 8622 1500 Fax: 02 8622 1599 Web: [www.achl.org.au](http://www.achl.org.au)

## Tenants moving into a nursing home

If the tenant is to enter a nursing home, ACHL will not approve requests for absence beyond the initial three months. The tenant should relinquish the tenancy or ask ACHL to consider an application for succession of tenancy from a remaining household member.

## Care of the property while the tenant is away

- The tenant is required to make arrangements to pay their tenancy charges, such as rent and water usage, while they are away.
- The property must be adequately cared for while the tenant is away.
- The tenant must appoint an agent to act on their behalf while they are away.
- The agent must be over 18 years of age and could be another household member, a family member, friend, support provider or a solicitor.
- The agent must inspect the property regularly and maintain it to the standard stated in the tenancy agreement.
- If the agent is not currently a member of the household and wants to live in the property while the tenant is away, they must apply to ACHL to become an authorised additional occupant. Although the tenant must appoint an agent for the time they are away, the tenant is still legally responsible for meeting their obligations under the tenancy agreement. Any breaches that occur while the tenant is away may result in ACHL taking action in the Consumer, Trader & Tenancy Tribunal (CTTT) to recover the property.

## Succession to appointed agents

Tenants who intend being absent from their home must appoint an agent to care for the property while they are away. ACHL will not approve succession of tenancy to an appointed agent unless they are already an authorised additional occupant, or they are the tenant's spouse or de-facto partner. ACHL will consider each case on its merit. The application for succession must meet all requirements of the ACHL Policy for Succession of Tenancy. If an application for succession is not successful and the tenant does not return to the property, ACHL may seek termination of the tenancy through the Consumer, Trader and Tenancy Tribunal (CTTT).